

MEMO

TO: The Lutheran Church—Missouri Synod
FROM: Gerald B. Kieschnick, President
SUBJECT: Dispute Resolution Panel Final Decision
Regarding Suspended Status of Dr. David H. Benke
DATE: May 12, 2003

Dear Brothers and Sisters in Christ,

Greetings in the Name of Jesus Christ, Savior of the world and Lord of the universe!

This is to inform you that a decision has been reached by the three-member Dispute Resolution Panel charged with deciding whether the June 25, 2002, suspension of Dr. David H. Benke, President of the Atlantic District of the LCMS, by Dr. Wallace R. Schulz, Second Vice President of the LCMS, should be upheld or overturned. Congregational leaders are encouraged to share the contents of this memorandum with the members of their congregations.

In a unanimous decision dated April 10, 2003, the Panel ruled:

“On the basis of the testimony and evidence received, the Panel concludes that there is not sufficient reason or evidence according to the Synod’s Constitution and Bylaws for suspending Rev. Benke. Therefore, the Panel concludes that the decision of Rev. Schulz for expulsion of Rev. Benke under Article XIII of the Constitution of the Synod is not substantiated. The suspension of Rev. Benke is lifted and his LCMS membership in good standing is continued.”

The reasons for this decision were essentially twofold:

- First, the Panel noted, quoting Dr. Samuel Nafzger, executive director of the LCMS Commission on Theology and Church Relations, that the Synod itself collectively determines what it understands Holy Scripture and the Lutheran Confessions to say about a given issue and makes decisions about whether to expel a member of Synod on the basis of the Synod’s collective understanding. Individual interpretations of Holy Scripture should never form the basis for expulsion. (For further explication of this very important point, see Exhibit A.) In that context, the Panel ruled that there was no evidence that President Benke was guilty of unionism or syncretism (or any other violation of Holy Scripture in this matter), concluding, “The context does not support conclusions of religious syncretism or unionism.”
- Second, the Panel ruled that President Benke had followed the advice of his ecclesiastical supervisor, the President of Synod, in making his pastoral decision to participate in the event at Yankee Stadium. This advice was based on Resolution 3-07A of the 2001 LCMS Convention (Exhibit D), which commended two documents to the church “for continued use and guidance.” A portion of one of those documents that is

particularly relevant to this matter is appended as Exhibit E.

The Panel's decision allows Dr. Benke, whose suspension relieved him of his duties and responsibilities as President of the Synod's Atlantic District but not from that position itself, to resume immediately the duties and responsibilities of his office.

The decision of the Panel, in accordance with the Bylaws of The Lutheran Church—Missouri Synod, was subject to further appeal by the parties to the case (Dr. Schulz and Dr. Benke) or the Synodical President within 30 days of the April 11, 2003 receipt of the Dispute Resolution Panel decision by those parties. Since the time allotted for any such appeal has expired with no appeal forthcoming, the decision of the Panel is now final. Therefore, I am providing, in accordance with the Bylaws of the Synod, this communication “as deemed appropriate under the circumstances...” (Bylaw 8.09 c 4 d).

The Panel itself is comprised of three of the Synod's 140 Reconcilers (four from each of the Synod's 35 Districts). The Panel was chosen by blind draw by the Secretary of the Synod, as provided in the LCMS Bylaws.

While the complete text of the Panel's decision is available on the LCMS website at www.lcms.org/president/disputeddecision.asp, I believe it is important to include in this memo salient excerpts from the Panel's 14-page decision. Please refer to these excerpts (Exhibit A) at the end of this memorandum.

This decision brings to an official conclusion a lengthy period of controversy surrounding the appearance of President Benke at Yankee Stadium on September 23, 2001, following the September 11 acts of terrorism. Now that a final decision has been reached, it is important that all of us in the Synod honor the result of the dispute-resolution process provided in the Synodical Bylaws.

When disputes arise within the church, we have a process for dealing with them. While that process may seem long, intense and protracted, it is the process adopted by the Synod for the purpose of providing “protection for congregations, pastors, teachers, and other church workers in the performance of their official duties and the maintenance of their rights” (LCMS Constitution Article III Objectives).

At the same time, the 2001 LCMS Convention referred to the Council of Presidents for review and possible amendment by the 2004 Convention the specific Bylaw (2.27 g) on the basis of which all aspects of this case began and unfolded. Official opinions of the CCM have now clarified many of the complicated and conflicted issues that arose during this case and will be quite helpful until the Synod in Convention has the opportunity to consider the recommendations that will be forthcoming from the COP.

Part of the reason for the lengthy process of dispute resolution is the important work of the Synod's Commission on Constitutional Matters and Commission on Theology and Church Relations. In this particular case, both the CCM and the CTCR were asked to provide answers, in the form of official opinions, to significant questions posed by parties

to the dispute. While the full text of the CCM opinion is available on the Synod's website at www.lcms.org/ccm/min012003.pdf, I believe it is important to include in this memo brief excerpts from it (Exhibit B). The entire opinion of the Commission on Theology and Church Relations (Exhibit C) is also included.

It should be noted that an opinion rendered by the Commission on Constitutional Matters "shall be binding on the question decided unless and until it is overruled by a synodical convention" (LCMS Bylaw 3.905 d). In another opinion, the Commission noted, "The Synod, upon instruction of Article XIII 2, has established in its Bylaws the procedure to be followed for expulsion of a member from the Synod. In that procedure, a Dispute Resolution Panel is given the responsibility for deciding whether or not the Bylaw 2.27 investigating officer made a proper decision. The Synod has also provided opportunity for appeal of the Dispute Resolution Panel's decision regarding the investigating officer's decision to an Appeal Panel, with the possibility of a second hearing by a Review Panel to finally decide the case. The Synod has not provided in its bylaws any opportunity for further appeal of the final decision to a convention nor has it provided to itself opportunity to question or overturn any part of its dispute resolution process" (CCM Opinion 02-2311-January 20-21, 2003)

Along with the rest of the Synod, I look forward to receiving the assistance I have requested from the CTCR in developing guidelines regarding participation of LCMS pastors in "civic events." I also am keenly interested in the ongoing theological convocations begun last August in response to my request that the CTCR, in consultation with the Council of Presidents, plan and conduct a series of gatherings throughout the Synod for the purpose of addressing, on the basis of clear passages of Holy Scripture, matters of theological concern and disagreement among us. Please join me in keeping both of these important matters in your prayers.

Much time, energy and attention have been expended on this case throughout the past 19 months. The personal lives, professional careers and respective constituencies of two duly elected officers of the Synod (Dr. Benke and Dr. Schulz) have been affected in ways that they alone can fully comprehend. The identity and reputation of The Lutheran Church—Missouri Synod and one of its highly valued, long-standing auxiliaries (International Lutheran Laymen's League) have been misinterpreted and misunderstood by many. Conflict and consternation have been witnessed and experienced by pastors and laity throughout the Synod. As President of the Synod, I am grateful that this particular case is concluded.

At the same time, I know that much work remains in the months and years ahead as we in The Lutheran Church—Missouri Synod seek to improve the way we walk together as a Synod. This case has brought to light the deeply held and divergent convictions of pastors, educators and lay people on how we can and should appropriately proclaim the Gospel in public places without violating our Scriptural and Confessional understandings. I pray that our gracious God will bless our efforts in achieving a God-pleasing consensus in the Synod in this regard.

We all know that disagreements are bound to occur from time to time in a church body as large as The Lutheran Church—Missouri Synod, especially as we strive to discern our proper role in an increasingly pluralistic culture while staying true to our covenants of love in doctrine and practice. It is difficult, if not humanly impossible, for all 2.5 million of our people to agree entirely, at all times, on issues such as this.

However, by the grace of God, we in the Synod are, thankfully, very much in agreement on the chief parts of Christian doctrine. For that wonderful and God-given harmony and concord, I know you join me in giving thanks to our Triune God, Father, Son and Holy Spirit. I trust that you will also join me in continuing to pray for God-pleasing resolution of the areas of disagreement that remain among us, on the basis of Holy Scripture, “the written Word of God and the only rule and norm of faith and of practice” (LCMS Constitution Article II Confession).

One of the lessons for the Fourth Sunday of Easter, May 11, 2003, includes words that provide a description of the early Christian church, immediately following the resurrection and ascension of our Lord Jesus: “All the believers were one in heart and mind... With great power the apostles continued to testify to the resurrection of the Lord Jesus, and much grace was upon them all” (Acts 4:32a, 33). My prayer is that these words would also be descriptive of The Lutheran Church—Missouri Synod in the months, years and decades ahead.

My dear brothers and sisters in Christ, now is the time for our Synod, one of America’s 10-largest church bodies, to close ranks and unite our efforts in proclaiming the Gospel of Jesus Christ, which includes continuing our 156-year tradition of mission, education and human care in the name of the triune God, the only true God, Father, Son and Holy Spirit. We are called by God to be One People (Philippians 1:27), about One Mission (Matthew 28:18-20), proclaiming One Message (I Timothy 2:5-6). This is entirely in keeping with our Synod’s mission statement:

In grateful response to God’s grace and empowered by the Holy Spirit through Word and Sacraments, the mission of The Lutheran Church—Missouri Synod is vigorously to make known the love of Christ by word and deed within our churches, communities and the world.”

God’s grace, mercy and peace be with you all!

Transforming the world through Christ's love...in time...for eternity. John 3:16-17
Dr. Gerald B. Kieschnick, President
The Lutheran Church—Missouri Synod

Exhibit A
Salient Excerpts Directly Quoting from the
Decision of the Dispute Resolution Panel

· The Primary Issue to be decided by the Panel was: Should the suspension of Rev. David H. Benke be upheld, resulting in his expulsion from the Synod?

o The Panel concludes that there is not sufficient reason according to the Synod's Constitution and Bylaws for suspending Rev. Benke.

o The Panel concludes that the decision of Rev. Schulz for expulsion of Rev. Benke under Article XIII of the Constitution of the Synod is not substantiated. Therefore, the suspension of Rev. David Benke is lifted and his LCMS membership in good standing is continued.

· Issue: Did Rev. Schulz follow the Synod's prescribed procedures in suspending Rev. Benke?

o The Panel concluded that Rev. Schulz did follow the proper process indicated by the Constitution and Bylaws of the Synod.

o Certainly both parties might argue certain steps or points were not carried out to the letter, that breeches of confidentiality or communication, etc., were violated. However, the basic process of dealing with this matter was managed and carried out according to the prescribed process.

· Issue: Is there sufficient reason according to the Synod's Constitution and Bylaws for suspending Rev. Benke?

o In both written and oral testimony Rev. Benke states that he participated in "A Prayer For America" at Yankee Stadium in New York City, on the basis of Resolution 3-07A, only after seeking, not once but twice, counsel and direction from his supervisor, Rev. Gerald Kieschnick, President of The Lutheran Church—Missouri Synod, and would not have participated had favorable approval not been given.

o Rev. Benke's participation was neither a rejection of nor a challenge to the Synod's Fellowship position and practice, but a discretionary response to a quite extraordinary set of circumstances in a quite unordinary event – a terrorist attack on the United States of America, specifically in New York City and the parochial area of St. Peter's Lutheran Church, New York, New York, and the Atlantic District of the LCMS.

o In his presentation Rev. Schulz questions whether Resolution 3-07A should have any bearing on the issue. His conclusions, however, appear biased, subjective, and without credible and sustainable fact.

o Resolution 3-07A meets the criteria of a doctrinal resolution of the Synod and as such is to be honored and upheld until such time as the Synod itself amends or repeals it... The Resolution expresses the collective will of the Synod and not only does apply, but is the very basis for participation. To divorce or separate Resolution 3-07A from the issue is to

set aside the collective will of Synod as expressed in the Resolution.

o Regarding how the Synod establishes its doctrinal position and the relationship which exists between the authority of Holy Scripture and doctrinal resolutions adopted by the Synod, Dr. Nafzger writes...

· The Synod itself determines what it understands the Scriptures and the Lutheran Confessions to teach. It alone establishes the doctrinal position of the Synod. It does this by adopting, by majority vote at Synodical conventions, doctrinal resolutions and more formal statements of belief.

· The 2001 Synodical Convention in Res. 3-07A Resolved that “we commend this study and response for continued use and guidance.” The study and response referred to here are The Lutheran Understanding of Church Fellowship, and the Report on the responses to this document which contains the paragraphs on “Cases of Discretion.” It was on the basis of these documents that President Kieschnick offered guidance to President Benke with respect to participation in the Yankee Stadium event.

· The Synod is not elevating resolutions which it adopts over the Scriptures when it requires its members to honor and uphold such doctrinal resolutions and statements. This is rather a recognition of what it is that the majority of its members understand the Scriptures to teach.

· Since synods, councils, commissions, theologians, officers, and pastors can err, the Synod has provided for proper ways for its members to express dissent to resolutions and statements adopted by the Synod, should anyone believe that they are in any way contrary to Holy Scripture. And, of course individual members of the Synod are always free to disassociate themselves from this voluntary association, should they be unable to convince the majority of the members of the Synod of their own opinion regarding what the Scriptures teach. But the members of the Synod are not free to disregard synodically adopted doctrinal resolutions and statements or to teach and act contrary to them as they carry out their ministries...

o Testimony was presented to the panel that Rev. Benke’s participation in the Yankee Stadium event was done on the basis of extraordinary, once in a lifetime, pastoral discretion conditions, not as an opportunity for syncretism or unionism. The CTCR “Report on Synodical Discussions” notes, “Not every occasion where worship takes place is necessarily a manifestation of church fellowship. There are situations where discretion is appropriate.”

· The events of 9/11/2001 were certainly not directly anticipated when Resolution 3-07A was passed, nor could they have been, but the resolution was amazingly prescient in providing direction for proceeding in a situation where men equally dedicated to the Synodical principles of fellowship would inevitably be divided as to whether it was better to avoid possible doctrinal confusion by not going or to boldly go to “Lift high the cross, the love of Christ proclaim...”

- The heavy proportion of Blacks and Muslims and Jewish participants as well as Christians in the Yankee Stadium event underscores the city's desire to show that civic unity and patriotic unity existed between groups that held divergent and often-conflicting religious beliefs. The format and objective of the event was not to provide religious, ecumenical, unionistic syncretism.
- Rev. Benke's prayer, even though criticized by many, was Christian. The context does not support conclusions of religious syncretism or unionism.
- Debate will and should continue. For now, the collective will of the Synod is expressed in Resolution 3-07A. Until the Synod itself adopts a more definitive resolution, cases of discretion will be managed in accordance with 3-07A and the corresponding ecclesiastical supervision. In such cases, the Resolution does not encourage the bringing of charges and possible dismissal, but patience, putting the best construction on everything {charity}, and the opportunity for continued study and discussion as per (LCMS Bylaw) 2.39 c.
- Where the Synod has provided even a minimal measure of guidance, we should not stand in judgment of one another in matters of discretionary and extra ordinary nature, especially in matters of tragedy and emotional distress when and where there is no intention to belittle or defy the positions of Synod.
- On the basis of the testimony and evidence received, the Panel concludes that there is not sufficient reason or evidence according to the Synod's Constitution and Bylaws for suspending Rev. Benke. Therefore, the Panel concludes that the decision of Rev. Schulz for expulsion of Rev. Benke under Article XIII of the Constitution of the Synod is not substantiated. The suspension of Rev. Benke is lifted and his LCMS membership in good standing is continued.

Exhibit B

Excerpts from Opinions of Commission on Constitutional Matters
January 20-21, 2003

113. Application of 2001 Resolution 3-07A (02-2294)

Question: What does Resolution 3-07A mean and how should it be applied in the church?

Opinion: ...In adopting Resolution 3-07A, the 2001 synodical convention not only commended "The Lutheran Understanding of Church Fellowship" document (2001 Convention Workbook, pp. 375-387) for use and guidance, but it also commended the "response" of the Commission on Theology and Church Relations ("A Report on Synodical Discussions" - 2001 Convention Workbook, pp. 48-51) "for continued use and guidance."

In carrying out their official responsibilities, ecclesiastical supervisors of the Synod are

expected, as with all synodical resolutions, including doctrinal resolutions and statements of the Synod, to heed Resolution 3-07A and see to it that it is “carried out” (Art. XI B 4) and “implemented” (Bylaw 4.71 b). In carrying out their official responsibilities, officers of the Synod are expected, as with other doctrinal resolutions and statements of the Synod, to heed the resolution and submit to it. All members of the Synod are to honor and uphold Resolution 3-07A together with all other doctrinal resolutions and statements until such time as the Synod amends or repeals them (Bylaw 1.09 b and c). Those members who dissent are expected to do so within the guidelines of Bylaw 2.39 c.

114. Consequences of Action Taken Upon Approval of Ecclesiastical Supervisor (02-2296; 02-2320)

A Dispute Resolution Panel in a letter dated December 20, 2002, forwarded the following question to the Commission from a party to a dispute. The question is identical to a question submitted by a Vice-President of a District in an August 16, 2002 letter.

Question: Do the Constitution and/or Bylaws of Synod allow or contemplate the discipline of any pastor of The Lutheran Church—Missouri Synod who has taken an action with the full knowledge and approval of his superior, where the superior’s approval is based upon the superior’s interpretation of a synodically approved document, where the interpretation is not plainly or knowingly erroneous, especially where the superior himself has not been formally found in error and disciplined?

Opinion: The Constitution and Bylaws of the Synod do not allow or contemplate the expulsion of a member of the Synod on the basis of an action taken with the full knowledge and approval of the appropriate ecclesiastical supervisor. For a thorough treatment of this issue, see Opinion 02-2309.

115. Ecclesiastical Supervision and Conflict of Interest (02-2309)

A District President, in a September 27, 2002 letter that included the signatures of twelve other members of the Council of Presidents, asked a series of questions regarding the constitutional provision of ecclesiastical supervision and the consequences of following the advice of an ecclesiastical supervisor.

Question: May a District President who has acted in a matter after receiving the advice of and authorization of the synodical President be charged under Bylaw 2.27 for such act, which charge could result in his removal from his position as District President as well as from the roster of the Synod?

Opinion: ...Having promised supervision and counsel, the Synod is precluded from taking any action to terminate the membership of its member who, when performing his/her official duties, follows the advice and counsel of the ecclesiastical supervisor designated by the Synod. It would be inconsistent with the above constitutional provisions to place the membership of an individual or congregation at risk where that

member relies on the ecclesiastical supervision and counsel of the person called and chosen for that role or function.

Exhibit C

Commission on Theology and Church Relations

February 17-19, 2003

RESPONSE TO QUESTIONS FROM DISPUTE RESOLUTION PANEL

QUESTION: Would offering a prayer by an LCMS pastor in a “civic event” in which prayers would also be offered by representatives of non-Christian religions be in and of itself a violation of the paragraph under “Section V point B. Cases of Discretion” in the CTCR document “The Lutheran Understanding of Church Fellowship,” a document adopted by the 2001 Convention of the Lutheran Church-Missouri Synod “for continued use and guidance?”

ANSWER: No. Section V, B. does not explicitly address the issue of “offering a prayer by an LCMS pastor in a ‘civic event’ in which prayers would also be offered by representatives of non-Christian religions.” The CTCR is presently considering assignments with respect to this issue, including the formulation of guidelines for participation in civic events and the definition of “civic event.”

QUESTION: What are the implications of the concluding two sentences – “Pastors may have honest differences of opinion about whether or to what extent it is appropriate or helpful to participate in these or similar civic events. In these cases charity must prevail.” – for making decisions regarding participation in the “civic events” described in the paragraph?

ANSWER: The decisions of pastors regarding the offering of prayers, speaking and reading scripture in events outside of their own and other LCMS congregations are to be made on the basis of the Synod’s agreed upon application of the scriptural principles of fellowship. It is virtually impossible to anticipate all such occasions or to give specific answers to cover every type of situation which may arise. Invitations to participate in these events can be evaluated only on a case-by-case basis and may evoke different responses from different pastors equally committed to LCMS fellowship principles. In these situations, honest disagreement regarding participation in certain events may arise. In such cases pastors will respect and honor in Christian love decisions regarding participation which differ from their own, even while they carry on conversations with the brother(s) with whom they have the disagreement.

Adopted by the CTCR

18-Feb-03

Exhibit D

RESOLUTION 3-07A

2001 Convention

The Lutheran Church—Missouri Synod

To Commend “The Lutheran Understanding of Church Fellowship” and the CTCR Report on the Synodical Discussions

Report 3-01A (CW, pp. 48.51); Overtures 3-07.10, 3-12, 3-15.18, 3-21.23 (CW, pp. 157.63)

WHEREAS, The action of the 1998 convention called for a study of fellowship principles and practices (Res. 3-03B) on the nature of our church body (why we are who we are) and our fellowship principles and practices (why we do what we do); and

WHEREAS, The 1998 convention (Res. 3-10C) also called for all 2000 District conventions to utilize the study to help build a “better understanding, general harmony and more consistent practice in our Synod”; and

WHEREAS, The President of the Synod and the Commission on Theology and Church Relations has jointly produced the document “The Lutheran Understanding of Church Fellowship,” which is in harmony with Scripture and the Lutheran Confessions; and

WHEREAS, Our District conventions utilized and studied the document; and

WHEREAS, A majority affirmed The Lutheran Church—Missouri Synod position on church fellowship that it set forth. They found it scriptural and confessional and wanted The Lutheran Church—Missouri Synod to maintain its historic position. (CTCR Report, CW, p. 49); and

WHEREAS, The CTCR has listened to the reactions from the Synod and written a response (CW, pp. 48-51) in conjunction with the synodical president; therefore be it Resolved, That we give thanks to God for the work of the sainted Reverend Dr. Alvin Barry and the Commission on Theology and Church Relations in producing the document “The Lutheran Understanding of Church Fellowship” (CW, pp. 375.87); and be it further Resolved, We give thanks to God for the thousands of pastors, commissioned ministers and lay people who have participated in the study and discussion of this document; and be it further

Resolved, That we rejoice and give thanks to God for the unity of doctrine and practice that this study has demonstrated; and be it further

Resolved, That we commend this study and response for continued use and guidance to build that unity where it is still lacking; and be it further

Resolved, That the Synod reaffirm once again its position on joint worship and recommit ourselves to live according to the instruction of the Lord’s Apostle, “As a prisoner for the Lord, then, I urge you to live a life worthy of the calling you have received. Be completely humble and gentle; be patient, bearing with one another in love. Make every effort to keep the unity of the Spirit through the bond of peace” (Eph. 4:1.3) and “Submit to one another out of reverence for Christ” (Eph. 5:21); and be it finally

Resolved, That all action taken in this resolution shall be used to help carry out “The Great Commission” and shall not in any way detract or distract from the primary mission of God’s Kingdom here on Earth. We will remember [Res.] 1-02!

Action: Adopted (7)

This resolution was first introduced in session 5 at which time the convention agreed to consider the following substitute motion:

WHEREAS, The 1998 convention called for a study of church fellowship by the CTCR; and

WHEREAS, The CTCR and President of the Synod produced, “The Lutheran Understanding of Church Fellowship”; and

WHEREAS, “The Lutheran Understanding of Church Fellowship” was utilized as a study document at all the District conventions in the year 2000; and

WHEREAS, The study has hardly been acknowledged as a consensus document of the entire Synod in the time it has been under study; and

WHEREAS, Numerous questions and concerns remain unresolved about the study, including the study’s own commitment to a genuinely Lutheran understanding of church fellowship; and WHEREAS, The theology of the Lutheran Confessions can be understood as appreciating the fullness of the Body of Christ than the current study document allows; and

WHEREAS, The many practical issues of addressing church fellowship in the experience of real church remain largely unaddressed in the CTCR study; therefore be it Resolved, That “The Lutheran Understanding of Church Fellowship” be recommitted for additional study to the CTCR and input from the larger synod; and be it further Resolved, That the 2001 convention express its thanks to the CTCR for its work to date in examining the fellowship issue.

In session 7, after discussion continued on the substitute motion, it failed to carry and consideration returned to the original resolution. It was adopted without amendment [yes: 782; no: 343]. The final resolve is added as required by Res. 1-02, adopted by the convention in an earlier session.

Exhibit E

From: “The Lutheran Understanding of Church Fellowship:
A Report on Synodical Discussions”

B. Cases of Discretion

Not every occasion where worship takes place is necessarily a manifestation of church fellowship. There are situations where discretion is appropriate. Some laity raised concerns about attending baptisms, confirmations, weddings, funerals, etc. of family and friends in churches not in church fellowship with the LCMS. Attendance at such services is generally a matter of personal judgment and individual conscience. On such occasions LCMS members will want to refrain from receiving Holy Communion and participating in rites of other churches that compromise their confession of faith. Doubtful situations may produce emotional distress and may require pastoral counsel.

Pastors, teachers, and other officially recognized church workers are often asked to participate in activities outside of their own and other LCMS congregations. Some of these are civic events. Offering prayers, speaking, and reading Scripture at events sponsored by governments, public schools and volunteer organizations would be a

problem if the organization in charge restricted a Christian witness. For instance, if an invitation requires a pastor to pray to God without mentioning Jesus, he cannot in good conscience accept. Without such a restriction, a Lutheran pastor may for valid and good reason participate in civic affairs such as an inauguration, graduation or a Right to Life activity. These occasions may provide opportunity to witness to the Gospel. Pastors may have honest differences of opinion about whether or to what extent it is appropriate or helpful to participate in these or similar civic events. In these cases charity must prevail.

There are also “once-in-a-life-time” situations. It is virtually impossible to anticipate all such situations or to establish rules in advance. Specific answers cannot be given to cover every type of situation pastors and congregations face. These situations can be evaluated only on a case by case basis and may evoke different responses from different pastors who may be equally committed to LCMS fellowship principles. The LCMS has always recognized this. However, the response to one situation should not establish a precedent for future ones. Where pastors regularly consult each other and are convinced of one another’s integrity, they are freer to use their discretion where such prior consultation is impossible. We do not want to fall into the trap of case law rigidity by setting down rules for every conceivable situation. At the same time, the exception should not become the rule, lest the truth of the Gospel be compromised.

A pastor may face situations in the community where no other pastoral care is available and he may be asked to minister to those outside his congregation. Before doing this, ideally he would consult with other LCMS pastors, especially the circuit counselor, District president or vice-presidents. But often these cases do not allow for consultation of any kind and on-the-spot decisions have to be made. In these and other situations nearly every pastor may question even his own decision and wish he had taken another course of action. We do not have the option of changing the past but must be content with believing that we made the best possible decision under the circumstances.

Respectfully submitted, in Christian love,

A handwritten signature in black ink, appearing to read "Gerald B. Kieschnick". The signature is fluid and cursive, with a large initial "G" and "K".

Gerald B. Kieschnick, President
The Lutheran Church—Missouri Synod